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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/342,012	06/28/1999	NOBORU SHIBUYA	450100-4943	5920

20999 7590 12/20/2004  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

GENCO, BRIAN C

ART UNIT PAPER NUMBER

2615

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/342,012

Applicant(s)

SHIBUYA ET AL.

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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Examination of this application is now being conducted by Brian Genco.

Applicant's amendment filed July 28, 2004 has been fully considered by the Examiner but is not deemed persuasive.

Applicant argues that Wakabayashi does not disclose the supporting means comprises a shaft disposed within a bearing member at each end. In particular, that while Wakabayashi discloses a shaft 48 within a bearing member, the cylinder member 47 in a spacer fitted on the cylinder 47 is not a shaft rotatably disposed within a bearing member.

In response, Examiner notes that Merriam Webster's Collegiate Dictionary defines shaft as "a commonly cylindrical bar used to support rotating pieces or to transmit power or motion by rotation" and further defines bearing as "a machine part in which another part (as a journal or pin) turns or slides". As such, the cylinder 47 is a shaft and the hole 49 is a bearing member (Fig. 6, column 6, lines 29-34). Thus Wakabayashi discloses the supporting means comprises a shaft disposed within a bearing member at each end.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumitsu et al. (U.S. Patent 6,141,052) in view of Wakabayashi et al. (U.S. Patent 5,903,706).

Fukumitsu discloses:

- a body having a keyboard thereon (Figure 2 item 12),
- a display section mounted on a pivotal opening and a closing movement with respect to said body and having, on a first face thereof which opposes said keyboard when said display section is pivotally closed on said body, a display

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face for displaying face for displaying an image thereon (Figure 2 items 14 and 15, Column 2 line 63 - Column 3 line 5),

- said display section including an image pickup means for picking up an image (Figure 2 item 18),
- accommodation means for accommodating the image pickup means therein (Figures 3 and 4 item 19),
- supporting means for supporting said accommodation means at portions thereof for turning motion in a vertical plane over an angular range outwardly between a first position at which said image pickup means is directed in the same direction as said first face of said display section and a second position at which said image pickup means is directed to a periphery of said first face of said display section (Column 4 lines 23 – 26, 39-43, Figures 3 and 4).
- the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body (e.g., the mount groove 16 of Fig. 2).

Fukumitsu fails to disclose:

- the accommodation means with a substantially tubular shape,
- the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular shape;
- said supporting means comprising a shaft mounted at each end of said image pickup means rotatably disposed within a portion of said display section; and

- supporting means for supporting said accommodation means at portions thereof for turning motion in a vertical plane over an angular range of approximately 180 degrees outwardly between a first position at which said image pickup means is directed in the same direction as said first face of said display section and a second position at which said image pickup means is directed in the same direction as a second face of said display section which is opposite to said first face.

Wakabayashi teaches:

- the accommodation means with a substantially tubular shape (Figures 6, 11, 13 - 17 and 24);
- the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular shape (Figures 6, 11, 13 - 17 and 24);
- said supporting means comprising a shaft mounted at each end of said image pickup means rotatably disposed within a portion of said display section (Figures 6 and 24); and
- supporting means for supporting said accommodation means at portions thereof for turning motion in a vertical plane over an angular range of approximately 180 degrees outwardly between a first position at which said image pickup means is directed in the same direction as said first face of said display section and a second position at which said image pickup means is directed in the same

direction as a second face of said display section which is opposite to said first face (e.g., Fig. 1; column 4, line 58 – column 5, line 4; column 5, lines 37-42).

Such an arrangement would be useful in allowing a user to take freely set the angle of a picture anywhere between being shot towards the camera user or away from the camera user.

Therefore, it would have been obvious to one of ordinary skill in the art to include Wakabayashi's tubular camera housing on Fukumitsu's laptop so as to enable a user to take freely set the angle of a picture anywhere between being shot towards the camera user or away from the camera user.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumitsu et al. (U.S. Patent 6, 141, 052) in view of Wakabayashi et al. (U.S. Patent 5, 903, 706) in further view of Isashi (U.S. Patent 5, 898, 600).

Neither Fukumitsu nor Wakabayashi disclose:

- the display section further including a sound fetching means disposed so as to be capable of fetching sound not only when said image pickup means is at the first position but also when said image pickup means is at the second position.

Isashi teaches:

- the image pickup means with the sound fetching means to fetch the sound in any position which the pickup means is positioned (Figure 11, Column 29 lines 40 - 43).

Such an arrangement would be useful in obtaining sound to enhance the video signal picked up by the image pickup means to enable a full reproduction.

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Therefore, it would have been obvious to one of ordinary skill in the art to include the display section further including a sound fetching means disposed so as to be capable of fetching sound not only when said image pickup means is at the first position but also when said image pickup means is at the second position so as to enable the user to obtain both sound and video at any location which the image pickup means are located.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

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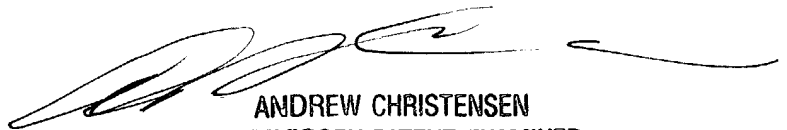
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco  
Examiner  
Art Unit 2615

October 27, 2004



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
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